



Michael S. McManus

Hon. Michael S. McManus
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re)	Case No. 10-51175
JOSHUA and HOLLI MASTERSON,)	Chapter 17
Debtor.)	Date: October 8, 2010
)	Time: 1:30 p.m.
)	

MEMORANDUM

Movant Deutsche Bank National Trust seeks relief from the automatic stay with respect to real property located in Reno, Nevada.

Neither the debtor nor the trustee have filed written opposition on or before 14 days prior to the hearing as required by Local Bankruptcy Rule 9014(d)(1). This is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo),

1 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the
2 above-mentioned parties in interest are entered and the matter
3 will be resolved without oral argument.

4 The motion will be granted pursuant to 11 U.S.C. § 362(d)(2)
5 to permit the movant to conduct a nonjudicial foreclosure sale
6 and to obtain possession of the subject property following sale.

7 The motion is granted in part pursuant to 11 U.S.C. §
8 362(d)(2) in order to permit the movant to conduct a nonjudicial
9 foreclosure sale and to obtain possession of the subject real
10 property following the sale. All other relief is denied.

11 The subject real property has a value of \$140,000 and is
12 encumbered by a perfected deed of trust or mortgage in favor of
13 the movant. That security interest secures a claim of
14 approximately \$203,000. After considering all other liens and
15 security interests, if any, there is no equity and there is no
16 evidence that the subject real property is necessary to a
17 reorganization or that the trustee can administer the subject
18 real property for the benefit of creditors.

19 Because the movant has not established that the value of its
20 collateral exceeds the amount of its secured claim, the court
21 awards no fees and costs. 11 U.S.C. § 506(b).

22 The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will not be
23 waived.

24 Counsel for the movant shall lodge a conforming order.
25
26
27
28